

**DEPARTMENT OF HEALTH
STATE OF WASHINGTON
VETERINARY BOARD OF GOVERNORS
MINUTES OF MEETING
March 6, 2006**

A meeting of the Washington State Board of Veterinary Governors was called to order at 9:00 a.m., on Monday, March 6, 2006, by Camilo de Guzman, DVM, Chair. The meeting was held at the Department of Health, Center Point Corporate Park, 23425 72nd Avenue South, Kent, Washington, 98032.

BOARD MEMBERSPRESENT:

Camilo de Guzman, DVM, Chair
Linda Crider, DVM
Nancy Leveque, DVM
Willard Nelson, DVM

STAFF PRESENT:

Steven Saxe, Executive Director
Melissa Burke-Cain, Assistant Attorney General
Margaret Gilbert, Senior Staff Attorney
Judy Haenke, Program Manager

OTHERS PRESENT:

Kristi Long

ORDER OF AGENDA

OPEN SESSION: 9:00 a.m.

1. Call to Order – Camilo O. de Guzman, DVM, Chair

1.1 Approval of Agenda

The agenda was approved as written

1.2 Approval of the December 2005 Minutes

The minutes of the December 2, 2005, meeting were approved as written.

2. Disciplinary Review Process - Karen Jensen, Supervising Staff Attorney.

Ms. Jensen presented an update to the Board on a disciplinary non-compliance pilot project related to a licensee's non-compliance with a disciplinary Board order. The project has identified issues with the current approach which requires that the disciplinary process begin again from opening a case, completing an investigation, issuance of charges, and a final hearing. Under the pilot project, language is added to all orders which puts the respondent on notice that failure to comply with the terms and conditions of the order may result in suspension of the credential after a show cause hearing. If the respondent fails to comply with

the terms and conditions of the order, the Board may hold a hearing to require the respondent to show why the credential should not be suspended. Additional charges could be added.

Ms. Jensen advised the Board that a show cause hearing could be prepared through the Department's Legal Unit and scheduled through the Adjudicative Service Unit. A Health Law Judge could preside over the hearing and issue an order if the Board would delegate authority in cases of non-compliance with a Board order. Ms. Jensen advised that the delegation would only apply to orders where a statement of charges was issued and that the original reviewing board member or current board chair would be advised of the proceedings prior to a hearing.

Following discussion, the Board agreed through a motion, for blanket authority to be given to a health law judge to hear cases of non-compliance when related to cases where a statement of charges has been issued.

3. Delegation of Signature Authority for Subpoenas.

The Board considered a request from Chief Investigator David Magby, for delegation for investigative subpoenas for himself and Assistant Chief Investigators, James Smith and Donald Painter. Mr. Magby's request is limited to delegation to sign investigative subpoenas when they become necessary in the investigative process to help the investigation move in a more timely and efficient manner. Following discussion, the Board authorized the delegation of signature authority for investigative subpoenas to Chief Investigator David Magby, and Assistant Chief Investigators Donald Painter and James Smith.

4. Veterinary Technician National Standard Proposal.

The Board reviewed the American Association of Veterinary State Boards' (AAVSB) proposal for Veterinary Technician Professional Standard.

As stated in the proposal, the long-term goal of AAVSB is for jurisdictions to accept a standard credentialing structure for veterinary technicians that would include a written application, education, good moral character, successful completion of a comprehensive examination and subsequent continuing education components. The proposal encourages the acceptance of the following concepts:

- The acceptance of the VTNE in all jurisdictions as a requirement toward attainment of a veterinary technician credential;
- The acceptance of education as determined by the regulatory board or graduation from an accredited veterinary technician program in those jurisdictions that do not regulate technicians;
- The acceptance of some level of work experience, as yet to be determined, in addition to the formal education;
- The acceptance of a specific number of required annual continuing education hours and content to maintain the credential.

To assist in its discussion of this program, the Board contacted the AAVSB by telephone and discussed the program via telephone conference with Charlotte Ronan, Executive Director and Kathy Hunt, Associate Director.

Following Discussion, the Board chose a narrative response rather than to respond to the prepared questions in the survey.

The Board agreed that while there is value in developing a national credentialing standard for veterinary technicians, it found that the proposed model was not consistent with Washington

State requirements. Current Washington State requirements include either formal education or supervised practical experience. Continuing education provides an opportunity for all individuals to keep up with changing technology and is supported by both veterinarians and veterinary technicians in Washington. Washington utilizes the VTNE as the licensing examination.

In summary, the standards outlined in the Veterinary Technical Professional Standard (VTPS) in all but one area go beyond that which is required in Washington. For these reasons and at this time, the Board is not inclined to accept the VTPS as proposed.

5. American Association of Veterinary State Boards 2006 Nominations.

The Board considered nominations for the Board of Directors and other AAVSB positions for 2006. The Board nominated Willard Nelson, DVM to serve on the Program for Assessment of Veterinary Education Equivalence (PAVE) Committee. Staff will forward the nomination to AAVSB.

6. Board Chair Report, Camilo O. de Guzman, DVM.

Dr. de Guzman reported that he had participated along with other board, committee and commission chairs in Tuesday Morning Meet Me Calls as needed to discuss legislation that affects boards and commissions.

The meetings were chaired by Bonnie King, Director of Health Professions Quality Assurance and ran from 8:30 a.m. to 9:15 a.m.

7. Executive Director Report, Steven Saxe.

Steven Saxe, Executive Director, reported the following legislation of interest and other related Department and Board items:

- SHB 2431 Relating to Background Checks: Establishes a Joint Task Force to review and make recommendations on requiring criminal background check policies in Washington State. This review would include a feasibility study on requiring background checks on all applicants and on reviewing federal health care provider data banks for actions taken against health care providers.
- ESB 6194 Cultural diversity training: Requires multicultural education to be incorporated into curriculums.
- ESHB 1850 Retired Volunteer license: Creates a retired volunteer medical worker license and allows the Department to establish continuing competency requirements.
- Board of Pharmacy investigators are pursuing new methamphetamine rules in an effort to bring stores into compliance.
- Mr. Saxe attended the legislative days for both optometry and pharmacy.

8. Program Manager Report - Judy Haenke.

Ms Haenke reported the following:

- There were 63 Washington candidates for the November/December NAVLE.
- There were 58 Candidates for the January 20, 2006, VTNE examination.
- The final report on the Veterinary Technician Sunrise Review is available at the Department of Health Web Page. Recommendations from the Department of Health to the legislature included:
 1. The proposal to remove the five year experience route as an option for registration of veterinary technicians does not meet the Sunrise criteria and should not be enacted.
 2. The Washington State Veterinary Board of Governors should develop standard tasks and procedures in rule that must be included in the five years of practical experience before

qualifying to sit the national examination. The supervising veterinarian must attest to completion of the five years of experience and that the training included the required procedures.

3. The proposal to change the veterinary technician credential from registration to licensure should be enacted.
4. One licensed veterinary technician should be added to the Washington State Veterinary Board of Governors so they have representation on the board that regulates their profession.
5. The department does not commonly support mandatory continuing education requirements because RCW 18.120.050 requires proof of its effectiveness on improving the competence of licensees. The applicants did not provide proof of effectiveness of continuing education within the veterinary technician profession. However, continuing education may alleviate some of the applicant group's concerns regarding the lack of formal education of experience trained veterinary technicians.

9. Correspondence

9.1 Request for clarification of unlicensed practice.

Kyle Karinen asked the Board for clarification of what constitutes unlicensed practice.

His request was limited to clarification on two points:

- When an individual offers advice focused on a specific animal or animals and the advice pertains to the specific medical, behavioral or nutritional well being of the animal or animals, the individual has engaged in unlicensed practice.
- When an individual is offering general advice not pertaining to animal medical behavioral nutritional well-being, it is not unlicensed practice.

Following discussion, the Board agreed, because of the general nature of the question, a specific answer could not be provided.

10. Budget Report.

The Board reviewed revenue and expenditures for the month ending January 2006.

11. Sexual Misconduct Rules. Information/Action

Margaret Gilbert, Senior Staff Attorney, led the Board in a discussion on potential development of rules related to sexual misconduct for veterinarians, veterinary technicians and veterinary medication clerks.

Secretary Selecky has directed the 23 Secretary professions to adopt clear and consistent rules regarding sexual misconduct and has urged the remaining Boards and Commissions to adopt sexual misconduct rules. Several boards and commissions have adopted, or are in the process of adopting, sexual misconduct rules.

Following discussion, the Board determined that a Preproposal Statement of Inquiry should be filed to determine whether rules should be adopted. Staff will file the necessary forms.

12. Other Open Session Business

CLOSED SESSION: 11:30 a.m.

13. Case Review

The Board reviewed the following cases:

Case Number	Disposition
2005-10-0007VT	Closed - Conduct was within Standard of Care.
2005-04-0003VT	Closed - No violation determined.
2005-05-0003VT	Referred to legal.

14. Presentation of Stipulation to Informal Disposition

The Board reviewed and approved the following Stipulations to Informal Disposition

Stipulation to Informal Disposition

Docket Number: 06-01-A-1046 VT

Presented by: Kristi Weeks, Staff Attorney

Stipulation to Informal Disposition

Docket Number: 2004-02-0005VT

Presented by: Kristi Weeks, Staff Attorney

ADJOURNMENT

The meeting was adjourned at 1:10 p.m.

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Respectfully Submitted: _____
Judy Haenke, Program Manager

Approved: _____
Camilo de Guzman, DVM, Chair

SIGNATURES ON FILE